

**SENATE JOURNAL
63RD LEGISLATURE
FIFTY-THIRD LEGISLATIVE DAY**

Helena, Montana
March 12, 2013

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Essmann presiding. Invocation by Pastor Keith Johnson. Girl Scouts from the Helena area presented the colors and led the Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Caferro, Stewart-Peregoy, and Windy Boy, excused. Quorum present.

BILLS AND JOURNALS (Buttrey, Chair):

3/12/2013

Correctly printed: **SB 382, SB 383, SB 384, HB 82, HB 89, HB 136, HB 252, HB 308, HB 337, HB 469.**

Correctly engrossed: **HB 71, HB 305, HB 356, HB 389.**

Examined by the sponsor and found to be correct: **SB 123.**

Transmitted to the House: **SB 84, HB 45, HB 131, HB 194.**

Signed by the Secretary of the Senate at 2:35 p.m., March 11, 2013: **SB 164.**

Signed by the President at 3:30 p.m., March 11, 2013: **SB 164.**

Signed by the Speaker at 11:30 a.m., March 12, 2013: **SB 164.**

Signed by the Secretary of the Senate at 8:25 a.m., March 12, 2013: **SB 123.**

Signed by the President at 9:25 a.m., March 12, 2013: **SB 123.**

Signed by the Speaker at 11:30 a.m., March 12, 2013: **SB 123.**

Signed by the Secretary of the Senate at 10:10 a.m., March 12, 2013: **SJR 2.**

Signed by the President at 10:20 a.m., March 12, 2013: **SJR 2.**

Signed by the Speaker at 11:30 a.m., March 12, 2013: **SJR 2.**

Delivered to the Governor for approval at 12:25 p.m., March 12, 2013: **SB 123, SB 164.**

Delivered to the Secretary of State at 12:35 p.m., March 12, 2013: **SJR 2.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Sonju, Chair):

3/12/2013

SR 18, be adopted. Report adopted.

SR 19, be adopted. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Peterson, Chair):

3/11/2013

HB 351, be concurred in. Report adopted.

FINANCE AND CLAIMS (Ripley, Chair):

3/12/2013

HB 210, be concurred in. Report adopted.

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JUDICIARY (Murphy, Chair):
HB 71, be amended as follows:

3/12/2013

1. Title, page 1, line 11.

Following: "DATE"

Strike: "AND A TERMINATION DATE"

2. Page 2, line 3.

Strike: "DEPARTMENT OF CORRECTIONS"

Insert: "board of crime control"

3. Page 3, line 11 through page 4, line 7.

Strike: "(4)" on page 3, line 11 through "board." on page 4, line 7

Re-number: subsequent subsections

4. Page 6, line 9.

Strike: section 5 in its entirety

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

JOINT SELECT COMMITTEE ON PENSIONS (Lewis, Chair):
SB 376, do pass. Report adopted.

3/12/2013

MOTIONS

HB 205 - Senator Vincent moved consideration of **HB 205** be passed for the day. Without objection so ordered.

Senator Caferro present at this time.

FIRST READING AND COMMITMENT OF BILLS

The following Senate resolutions were introduced, read first time, and referred to committees:

SR 20, introduced by Tutvedt (by request of the Senate Taxation Standing Committee), referred to Taxation.

SR 21, introduced by Priest (by request of the Senate Public Health, Welfare, and Safety Standing Committee), referred to Public Health, Welfare and Safety.

SR 22, introduced by Arthun (by request of the Senate State Administration Standing Committee),

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referred to State Administration.

SR 23, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 24, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 25, introduced by Arthun (by request of the Senate State Administration Standing Committee), referred to State Administration.

SR 26, introduced by Ripley (by request of the Senate Finance and Claims Standing Committee), referred to Finance and Claims.

SR 27, introduced by Murphy, Augare, Driscoll, Jent, Larsen (by request of the Senate Judiciary Standing Committee), referred to Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 373, introduced by Reichner, Schwaderer, referred to Taxation.

HB 488, introduced by Gursky, Boland, Curtis, Dudik, Eck, Hill, Jacobson, Laszloffy, Lieser, MacDonald, McChesney, Peppers, Pierson, Pomnichowski, Schreiner, B. Smith, Steenberg, Wilson, Woods, referred to Business, Labor, and Economic Affairs.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 26 - Senator Thomas moved **HB 26** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Walker, Webb, Wittich, Mr. President.

Total 26

Nays: Augare, Barrett Dick, Blewett, D. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Tropila, Van Dyk, Vincent, Vuckovich, Wanzenried.

Total 22

Absent or not voting: None.

Total 0

Excused: Stewart-Peregoy, Windy Boy.

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Total 2

Senator Stewart-Peregoy present at this time.

HB 27 - Senator Debby Barrett moved **HB 27** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 30

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 19

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

Senator Thomas excused at this time.

HB 172 - Senator Blewett moved **HB 172** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Dick, Blewett, Boulanger, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 45

Nays: Barrett Debby, Brenden, Jones.

Total 3

Absent or not voting: None.

Total 0

Excused: Thomas, Windy Boy.

Total 2

Senator Thomas present at this time.

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HB 302 - Senator Sales moved **HB 302** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 29

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 20

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

Senator Sonju expressed a conflict of interest before voting.

HB 50 - Senator Olson moved **HB 50** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.
Total 28

Nays: Augare, Barrett Dick, Blewett, T. Brown, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.
Total 21

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SB 41 - House Amendments - Senator Buttrey moved House amendments to **SB 41** be concurred in. Motion carried as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Lewis, Moore, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

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Total 31

Nays: Augare, Barrett Dick, Blewett, Caferro, Driscoll, Facey, Kaufmann, Keane, Larsen, Malek, Murphy, Phillips, Sesso, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 18

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann presiding. Chair Walker moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Barrett Debby, Barrett Dick, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Fielder, Jackson, Jones, Lewis, Moore, Murphy, Olson, Peterson, Priest, Ripley, Rosendale, Sales, Sonju, Stewart-Peregoy, Taylor, Thomas, Tutvedt, Vincent, Walker, Webb, Wittich, Mr. President.

Total 31

Nays: Augare, Blewett, Caferro, Driscoll, Facey, Hamlett, Jent, Jergeson, Kaufmann, Keane, Larsen, Malek, Phillips, Sesso, Tropila, Van Dyk, Vuckovich, Wanzenried.

Total 18

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 337 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 356 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich.

Total 47

Nays: Priest, Mr. President.

Total 2

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 389 concurred in as follows:

Yeas: Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Webb, Mr. President.

Total 38

Nays: Arntzen, Boulanger, D. Brown, Caferro, Priest, Rosendale, Sales, Sonju, Vincent, Wanzenried, Wittich.

Total 11

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

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HB 82 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 305 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

HB 308 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Sales, Sesso, Sonju, Stewart-Peregoy, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Mr. President.
Total 43

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Nays: Priest, Ripley, Rosendale, Taylor, Webb, Wittich.

Total 6

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 136 concurred in as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.

Total 48

Nays: D. Brown.

Total 1

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

HB 89 concurred in as follows:

Yeas: Arntzen, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Ripley, Sesso, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried.

Total 37

Nays: Arthun, Boulanger, D. Brown, Priest, Rosendale, Sales, Sonju, Vincent, Walker, Webb, Wittich, Mr. President.

Total 12

Absent or not voting: None.

Total 0

Excused: Windy Boy.

Total 1

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SPECIAL ORDERS OF THE DAY

SR 12 - Senator Olson moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 12**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb.
Total 43

Nays: Boulanger, Fielder, Taylor, Thomas, Wittich, Mr. President.
Total 6

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

SR 13 - Senator Olson moved that the nomination transmitted by the Governor be confirmed by the Senate in accordance with **SR 13**. Motion adopted as follows:

Yeas: Arntzen, Arthun, Augare, Barrett Debby, Barrett Dick, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Wittich, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Windy Boy.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

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Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Wednesday, March 13, 2013, the fifty-fourth legislative day. Motion carried.

Senate adjourned at 2:43 p.m.

MARILYN MILLER
Secretary of the Senate

JEFF ESSMANN
President of the Senate